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**BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
OF THE STATE OF CALIFORNIA**

In the Matter of:

NMLS NO.: 204324

THE COMMISSIONER OF BUSINESS
OVERSIGHT,

ACCUSATION TO BAR JOHN MARINUS
SECKEL FROM ANY POSITION OF
EMPLOYMENT, MANAGEMENT OR
CONTROL OF ANY FINANCE LENDER,
BROKER, OR MORTGAGE LOAN
ORIGINATOR

Complainant,

v.

JOHN MARINUS SECKEL,

Respondent.

The Commissioner of Business Oversight (Commissioner) files this Accusation to bar John Marinus Seckel (John Seckel) from employment, management or control of any finance lender, broker, or mortgage loan originator. The Commissioner alleges and charges as follows:

I.

Statement of Facts

1. The Commissioner licenses and regulates mortgage loan originators, finance lenders, and brokers under the California Financing Law (Fin. Code, § 22000 et seq.) (CFL), and licenses and regulates mortgage loan originators, residential mortgage lenders, and residential mortgage servicers

under the California Residential Mortgage Lending Act (Fin. Code, §50000 et seq.) (CRMLA).

2. On or about November 26, 2013, the Commissioner issued John Seckel, NMLS ID 204324¹, a mortgage loan originator (MLO) license. John Seckel is the 100% owner and control person of Seckel Capital, LLC (Seckel Capital), a Pennsylvania-based residential mortgage lender licensed by the Department under the CRMLA.

3. On July 11, 2017, the United States Department of Housing and Urban Development (HUD) announced that HUD's Mortgage Review Board (MRB) was immediately suspending John Seckel and Seckel Capital from originating and underwriting new mortgages insured by the Federal Housing Administration (FHA). In addition, HUD suspended John Seckel from doing business with the Federal government, finding that John Seckel knowingly and fraudulently submitted false financial statements to the government certifying that they were audited by an independent accounting firm when, in fact, they were not. HUD further found that John Seckel and Seckel Capital, LLC engaged in a years-long pattern of submitting false financial statements to FHA.

4. On August 22, 2017, the State of Massachusetts entered into a Consent Order with John Seckel and Seckel Capital, which required that John Seckel and Seckel Capital immediately: cease engaging in the activity of a mortgage lender in Massachusetts; that Seckel Capital's license was terminated; and that John Seckel and Seckel Capital refrain from submitting an application to obtain such a license for a period of 120 months from the date of the Consent Order.

5. On September 5, 2017, the State of Florida issued a Final Order against John Seckel and Seckel Capital, terminating John Seckel's mortgage lender originator license and barring Seckel from applying for such license for a period of three years due to improper record keeping and failure to timely report changes to information contained in his application. In addition, the Florida Order terminated Seckel Capital's CRMLA license and barred it from applying for a license for three years.

6. As of January 1, 2018, John Seckel changed the status of his California MLO license to inactive.

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¹ NMLS refers to the Nationwide Mortgage Licensing System and Registry (Cal. Code Regs., tit 10 § 1404, subd. (k).) The NMLS identification number is the unique identifier assigned to registered mortgage loan officers.

II.**Grounds to Bar**

7. Financial Code section 22109.1, subdivision (a)(3), requires that an MLO applicant must “[demonstrate] such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this division.”

8. Financial Code section 22169(a) provides in relevant part that the Commissioner may, after appropriate notice and opportunity for hearing, “bar a person, including a mortgage loan originator, from any position of employment with, or management or control of, any finance lender, broker, or any other person,” if the Commissioner finds that:

That the ... bar in the public interest and that the person has committed or caused a violation of this division or rule or order of the commissioner, which violation was either known or should have been known by the person committing or causing it or has caused material damage to the finance lender, broker, or mortgage loan originator, or to the public.

9. The Commissioner hereby finds that the above-referenced actions against John Seckel by the United States Department of Housing and Urban Development, the State of Florida, and the State of Massachusetts, and the facts upon which such actions were issued, constitute grounds under Financial Code section 22169(a) to bar John Seckel from any position of employment with, or management or control of, any finance lender, broker, or mortgage loan originator, in that it is in the public interest, and pursuant to Financial Code section 22169(a)(1), John Seckel has failed to demonstrate the financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that he will operate honestly, fairly, and efficiently within the purposes of the governing law, as required under Financial Code section 22109.1(a)(3).

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1 WHEREFORE, IT IS PRAYED that John Marinus Seckel be barred from any position of
2 employment with, or management or control of, any finance lender, broker or mortgage loan
3 originator.

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5 Dated: April 10, 2018

JAN LYNN OWEN
Commissioner of Business Oversight

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7 By _____
8 Robert R. Lux
9 Senior Counsel
10 Enforcement Division
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